



U.S. Citizenship
and Immigration
Services

January 6, 2005

Questions and Answers

DHS EXTENDS TEMPORARY PROTECTED STATUS (TPS) FOR EL SALVADOR FOR 18 MONTHS *Employment Authorization Automatically Extended Until September 9, 2005*

Temporary Protected Status (TPS) is granted to eligible nationals of designated countries suffering the effects of an ongoing-armed conflict, environmental disaster, or other extraordinary and temporary conditions. During the period for which the Secretary of Homeland Security has designated a country for TPS, beneficiaries may not be removed from the United States and are authorized to engage in employment.

TPS does not lead to permanent resident status. When the Secretary terminates a country's designation, the alien will return to the status he/she had prior to TPS, provided the alien maintained that status, or to any other status he/she may have obtained while registered for TPS.

Q. Who is eligible to re-register for the 18-month TPS extension?

A. Re-registration is limited to nationals of El Salvador (or in the case of an alien having no nationality, a person who last habitually resided in El Salvador) who registered during the initial registration period for the TPS designation announced on March 9, 2001 (or who late initial registered) and re-registered during each of the subsequent re-registration periods, have been continuously physically present in the United States since March 9, 2001, and have continuously resided in the United States since February 13, 2001. Those who have never registered for TPS may be eligible to register for late initial registration, as described below. An individual who has been convicted of either a felony or two or more misdemeanors committed in the United States is not eligible for TPS. Likewise, an individual subject to certain criminal or security-related grounds of inadmissibility or any of the bars to asylum is ineligible for TPS.

Q. How do I re-register for a TPS extension?

A. If you already have been granted TPS under the TPS designation for El Salvador, your TPS will expire on March 9, 2005. You may re-register during the 60-day re-registration period beginning on January 7, 2005, and ending on March 8, 2005. To ensure timely scheduling for biometric collection at a USCIS Application Support Center and to prevent a lapse in employment authorization, Salvadoran TPS beneficiaries are strongly urged not to wait until the end of the re-registration period to file their application materials. Unlike previous registration procedures, TPS re-registrants need not submit photographs with the TPS application because photographs will be taken when the applicant appears at an Application Support Center (ASC) for collection of biometrics. To re-register, submit the following:



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- Completed Form I-821, Application for Temporary Protected Status, without fee
- Completed Form I-765, Application for Employment Authorization (see below to determine if you need to include the \$175 fee with your application); and
- A \$70 biometric services fee for each applicant under 14 who requests an EAD and for all applicants age 14 or older.

Note: U.S. Citizenship and Immigration Services (USCIS) has published an updated Form I-821, Application for Temporary Protected Status. Only Form I-821 with a Revision Date of 11/5/04 will be accepted. The Revision Date is located in the bottom right corner of the form. The newly revised form is available on the USCIS web site at www.uscis.gov, at local USCIS offices, and at the USCIS Forms Line at 1-800-870-3676.

Attesting in Part 1 of the Form I-821 to the continued maintenance of the conditions of eligibility will generally preclude the need for supporting documents or evidence. USCIS, however, reserves the right to request additional information and/or documentation on a case-by-case basis.

Fees: All applicants seeking a new EAD, valid through September 9, 2006, must submit a \$175 fee with Form I-765. Applicants who only seek to re-register for TPS and do not seek an EAD need not submit the \$175 fee, but nonetheless must submit the Form I-765 for data-gathering purposes. The applicant may request a waiver of the Form I-765 fee in accordance with the regulations. However, the biometric services fee may not be waived.

Failure to submit the required filing fees will result in the rejection of the re-registration application.

Postmark: USCIS will accept re-registration applications containing a postmark dated on or prior to March 8, the end of the registration period. However, USCIS encourages applicants to mail their applications well in advance of March 8 to prevent a lapse in employment authorization.

Q. Is my EAD extended beyond the March 9, 2005, expiration date on its face?

A. Yes. Given the large number of Salvadorans affected by this notice, USCIS recognizes that many registrants may not receive their new EADs until after their current EADs expire on March 9, 2005. Accordingly, the Federal Register notice automatically extends the validity of EADs issued pursuant to the TPS designation of El Salvador for six months until September 9, 2005, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended.



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Q. Who is eligible to file for late initial registration?

A. Some persons may be eligible for late initial registration under sections 244(c)(1)(A) and (c)(2) of the Immigration and Nationality Act (“Act”) and the regulations at Title 8 of the Code of Federal Regulations (C.F.R.), Part 244.2 To apply for late initial registration an applicant must:

- (1) Be a national of El Salvador (or an alien who has no nationality and who last habitually resided in El Salvador);
- (2) Have continuously resided in the United States since February 13, 2001;
- (3) Have been continuously physically present in the United States since March 9, 2001; and
- (4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that during the registration period for the initial designation (from March 9, 2001 to September 9, 2002) he or she:

- (1) Was a nonimmigrant or had been granted voluntary departure or any relief from removal;
- (2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;
- (3) Was a parolee or had a pending request for reparole; or
- (4) Was the spouse or child of an alien currently eligible to be a TPS registrant.

An applicant for late initial registration must file an application for late registration no later than 60 days after the expiration or termination of the conditions described above. 8 C.F.R. 244.2(g).

Q. How do I apply for late initial registration?

A. A late initial registrant must file a complete application package, including supporting documentation and all applicable fees, in accordance with the regulations. In addition to the requirements described above for re-registration under the extension, a late initial registrant must submit a \$50 fee with Form I-821 and, if 14 years of age or older, the \$70 biometric services fee. Applicants for late initial registration who are under 14 years of age **and** request an EAD must also submit the \$70 biometric services fee. The applicant may request a fee waiver in accordance with the regulations, however the biometric services fee may not be waived.

Q. Where should I submit the application for re-registration or late initial registration?

A. Applicants for re-registration may file by mail, or electronically using E-filing at www.uscis.gov. Please see the information below about how to file your re-registration application electronically. Please note that the filing location has changed. Applicants should not submit applications to USCIS Service Centers, as this will slow the processing of their applications. Failure to use the appropriate P.O. Box may delay processing your TPS application. Submit the completed forms and applicable fees, if any, to the appropriate USCIS Chicago Lockbox address.



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If you are re-registering and have previously filed with the Vermont Service Center, the Form I-821, Form I-765, fees, and all supporting documentation should be filed at the USCIS Chicago Lockbox at:

U.S. Citizenship and Immigration Services
P.O. Box 6943
Chicago, IL 60680-6943

Or, for non-United States Postal Service (USPS) deliveries:
U.S. Citizenship and Immigration Services
Attn: TPS/VSC
427 S. LaSalle – 3rd Floor
Chicago, IL 60605

If you are re-registering and have previously filed with either the California Service Center, Texas Service Center, or Nebraska Service Center or if you are filing a late initial registration, the Form I-821, Form I-765, fees, and all supporting documentation should be filed at the USCIS Chicago Lockbox at:

U.S. Citizenship and Immigration Services
Attn: El Salvador TPS
P.O. Box 87583
Chicago, IL 60680-0583

Or, for non-United States Postal Service (USPS) deliveries:
U.S. Citizenship and Immigration Services
Attn: El Salvador TPS
427 S. LaSalle – 3rd Floor
Chicago, IL 60605

Q. How do I electronically file my application for re-registration?

A. Aliens re-registering for TPS under the designation of El Salvador during the re-registration period from January 7, 2005, to March 8, 2005, may file the Form I-821, I-765 and fees electronically by using E-filing at the USCIS website, www.uscis.gov. In order to properly re-register using E-filing, aliens must start the electronic filing with Form I-821, and the system will then link the alien to Form I-765 once Form I-821 is complete. Failure to follow these instructions may result in an incomplete filing and delay processing of your TPS application.

Q. How long will the TPS extension last?

A. The TPS extension El Salvador is effective for 18 months, from March 9, 2005 to September 9, 2006.



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Q. Specifically, what factors were considered in making the decision to grant an 18-month extension of TPS for El Salvador?

A. After reviewing the country conditions and consulting with the appropriate Government agencies, the Secretary of Homeland Security determined that conditions in El Salvador continue to support TPS designation. There continues to be ongoing reconstruction of infrastructure and housing damaged by the earthquakes, the Secretary of DHS has determined that an 18-month extension of the TPS designation is warranted because El Salvador remains unable, temporarily, to adequately handle the return of its nationals.

The State Department noted that the earthquakes damaged or destroyed over 300,000 houses leaving more than 1.5 million people, a quarter of the country's population, without adequate housing. In July 2004, El Salvador's Vice-Ministry of Housing reported that 102,000 houses had been rebuilt or were under construction. The USCIS Resource Information Center (RIC) reported that construction of another 11,500 houses is due to begin soon. It is estimated that almost 50 percent of the people who lost housing during the earthquakes are still without permanent shelter. The earthquakes caused severe damage to 55% of the nation's health infrastructure. While the Government of El Salvador has made significant progress in the reconstruction of health centers, the World Bank loan for hospital reconstruction was not made available until 2004. The Salvadoran Government estimates that hospital reconstruction will be completed in 2007.

Due to continued reconstruction of infrastructure damaged by a series of earthquakes and El Salvador's ongoing inability to adequately handle the return of its nationals, the Secretary of DHS has determined that an 18-month extension of the TPS designation is warranted.

Q. Are Salvadoran TPS beneficiaries permitted to travel abroad during the TPS extension?

A. Those granted TPS must receive advance permission to return to the United States if traveling abroad. This advance permission is called Advance Parole and can be obtained by filing Form I-131, Application for a Travel Document, with the USCIS. Failure to obtain advance parole prior to traveling abroad may result in the withdrawal of your TPS and/or the institution or re-calendar of removal proceedings.

Q. Where can I obtain forms and additional information?

A. Information concerning TPS is available at the USCIS web site: www.uscis.gov or the USCIS National Customer Service Center, at 1-800-375-5283. Applicants may obtain forms from the USCIS web site or by contacting the USCIS Forms Line, 1-800-870-3676.



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Q. If I entered the United States after February 13, 2001, would I qualify for benefits under TPS?

A. No. This extension does not change the required dates of continuous residence and continuous physical presence in the United States. To be eligible, nationals of El Salvador (or in the case of an alien having no nationality, is a person who last habitually resided in El Salvador) must have continuously resided in the United States since February 13, 2001, and been continuously physically present in the United States since March 9, 2001.

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On March 1, 2003, the USCIS became one of three former Immigration and Naturalization Service (INS) components to join the U.S. Department of Homeland Security. The USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services,

while enhancing the integrity of our nation's security.